

Message Text

CONFIDENTIAL

PAGE 01 BANGKO 03330 280331Z

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ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 PM-03 H-01 INR-07 L-02 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 INRE-00 NSCE-00

USIE-00 SSO-00 DPW-01 AID-05 OMB-01 /055 W

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O 271203Z FEB 75 ZDK

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC IMMEDIATE 1115

INFO AMCONSUL CHIANG MAI

AMCONSUL UDORN

CINCPAC

DIA IMMEDIATE

C O N F I D E N T I A L BANGKOK 3330

E. O. 11652: GDS

TAGS: PGOV, PINT, TH

SUBJ: GOVERNMENT IN LIMBO

REF : BANGKOK 3126

SUMMARY: THE KING SWORE IN SENI PRAMOT'S CABINET AT CHIANG MAI
FEB 27. ALTHOUGH SANYA THAMMASAK IS CLEARLY NO LONGER PRIME
MINISTER, THERE IS SOME DISPUTE WHETHER THE NEW GOVERNMENT MAY NOW
FULL FUNCTION. SOME CONTEND THAT UNDER ARTICLE 184 OF THE
CONSTITUTION, IT HAS TO AWAIT LOWER HOUSE APPROVAL OF ITS POLICY,
A VOTE NOW SCHEDULED MARCH 6. END SUMMARY

1. ARTICLE 184 STATES: "THE CABINET WHICH WILL ASSUME THE
ADMINISTRATION OF THE STATE AFFAIRS" MUST STATE ITS POLICY
AND OBTAIN A VOTE OF CONFIDENCE FROM THE HOUSE OF REPRESENTATIVES.
THIS PROVISION IS NEW IN THAI CONSTITUTIONAL HISTORY, AND IS DIRECTLY
OPPOSITE TO ARTICLE 141 OF THE 1968 CONSTITUTION WHICH CALLED
FOR A POLICY STATEMENT BUT FORBADE A VOTE. ANOTHER DISAGREE-
MENT IN INTERPRETING ARTICLE 184 IS WHETHER SENI'S CABINET IS THE
GOVERNMENT, AND THEREFORE CAPABLE OF CALLING FOR NEW PARLIAMENTARY
ELECTIONS SHOULD IT FAIL THE CONFIDENCE VOTE. ARTICLE 184 ITSELF
CONFIDENTIAL

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PAGE 02 BANGKO 03330 280331Z

DEFINES SENI'S APPOINTEES AS "THE CABINET WHICH WILL ASSUME"

ADMINISTRATION. FURTHERMORE, ARTICLE 187 SAYS THAT THE MINISTERS MUST VACATE OFFICE EN MASSE IF THEY FAIL TO RECEIVE THE VOTE OF CONFIDENCE ARTICLE 184 REQUIRES. ARTICLE 187 SEEMS TO SUMMARILY SWEEP AWAY ANY CABINET WHICH FAILS THE ARTICLE 184 VOTE.

2. IN DISCUSSIONS WITH VARIOUS THAI PARLIAMENTARIANS OVER THE PAST COUPLE OF WEEKS, THE PREDOMINANT INTERPRETATION IS THAT THE DEMOCRAT-SOCIAL AGRARIAN COALITION IS NOT CONFIRMED AS A GOVERNMENT UNTIL IT PASSES THE ARTICLE 184 CONFIDENCE VOTE HURDLE. THOSE WHO SUBSCRIBE TO THIS VIEW ARE MARUT BUNNAK, LAWYER; PRAMUAN KUNLAMAT, SOCIAL JUSTICE PARLIAMENTARIAN AND DEPUTY HOUSE SPEAKER; PAUL SITTHI-AMNUAI, SOCIAL ACTION PARTY OFFICIAL; AND SOMKIT SISANGKHOM, SOCIALIST PARTY LEADER. THE UNDER-SECRETARY OF THE MINISTRY OF FOREIGN AFFAIRS (MFA) TOLD THE DCM FEB 26 THAT SENI AND HIS CABINET WOULD INDEED BE IN CHARGE ONCE THEY TOOK THE OATH BEFORE THE KING. PHARADA BURANASIRI, CHIEF OF THE FOREIGN AFFAIRS DIVISION, PARLIAMENTARY SECRETARIAT, SAID THAT THE CABINET IS IN POWER BEFORE THE VOTE OF CONFIDENCE AND THEREFORE HAS THE AUTHORITY TO CALL FOR NEW ELECTIONS.

3. POLITICAL MANEUVERINGS COMPLICATE A FULL UNDERSTANDING OF THE ISSUES INVOLVED BECAUSE SOME OF THE DEMOCRATS' OPPONENTS, PARTICULARLY THE SOCIAL JUSTICE PARTY, ARE TAKING A PUBLIC LINE THAT THE DEMOCRATS ARE THE GOVERNMENT BEFORE THE CONFIDENCE VOTE, AND CAN CALL FOR ELECTIONS. THIS STRATEGY KEEPS THE OPPOSITION KNITTED TOGETHER BECAUSE THE DISPARATE ELEMENTS DO NOT WANT ELECTIONS. THE OPPOSITION HOPES TO TAKE OVER BY THE TACTIC DESCRIBED IN THE NEXT PARAGRAPH.

4. MOST THAI POLITICAL OBSERVATORS EXPECT, REGARDLESS OF THE CONSTITUTIONAL NICETIES THAT IF SENI FAILS THE VOTE OF CONFIDENCE, THE DEMOCRAT-SOCIAL AGRARIAN CABINET WILL RESIGN. THEY FURTHER EXPECT SOME VARIATION ON THE THEME THAT THE HOUSE SPEAKER WILL INVITE THE SOCIAL JUSTICE PARTY, AS THE SECOND LARGEST IN PARLIAMENT, TO FORM A GOVERNMENT. SOCIAL JUSTICE WILL DECLINE ON THE GROUNDS THAT ITS LEADER IS NOT A MEMBER OF PARLIAMENT. THE BATON WILL PASS TO THAI NATION WHICH WILL FORM A COALITION GOVERNMENT WITH KHUKRIT PRAMOT, LEADER OF THE SOCIAL ACTION PARTY, AS THE PRIME MINISTER. MOST THAI OBSERVERS FEEL THAT THE DEMOCRATS, OUT OF RESPECT FOR THAI POLITICAL TRADITIONS (SIC), WILL NOT CALL

CONFIDENTIAL

PAGE 03 BANGKO 03330 280331Z

FOR AN ELECTION IF THEY LOSE THE ARTICLE 184 VOTE.

5. ARTICLE 122 OF THE CONSTITUTION SAYS THAT THE KING HAS THE PREROGATIVE TO DISSOLVE THE PARLIAMENT. SENI MIGHT TRY TO MANEUVER THE KING INTO CALLING FOR ELECTIONS, BUT THE OPPOSITION HAS A COUNTER IN CHARGING THAT SENI WOULD BE DRAGGING THE KING INTO POLITICS. OVER THE PAST WEEK KHUKRIT HAS ALREADY MADE MUCH CHARGES. WE ADDITIONALLY HAVE INDICATIONS THAT THE KING IS

DISTRESSED WITH SENI'S THREE TRIPS TO CHIANGMAI TO PRESENT HIS CABINET LIST. THE PALACE FEELS ONE WOULD HAVE BEEN ENOUGH.

6. A KEY FOREIGN MINISTRY OFFICIAL TOLD THE POLITICAL COUNSELOR FEB 27 THAT HE WAS NOT AT ALL SURE HOW THE VOTE WOULD TURN OUT. HE SUSPECTED THAT A DEVICE THAT ASSEMBLY SPEAKER PRASIT KANCHANAWAT MIGHT USE WOULD BE TO CALL FOR APPROVAL BY HAND VOTE OF THE POLICIES OF THE SENI GOVERNMENT. HE EXPECTED CLOSE TO A FULL HOUSE THAT DAY. THEREFORE, IF 135 HANDS DID NOT GO UP IN RESPONSE TO THE QUESTION, PRASIT COULD DECLARE THAT THE LOWER HOUSE HAD NOT VOTED CONFIDENCE IN THE GOVERNMENT. THIS SYSTEM WOULD AVOID SPOTLIGHTING INDIVIDUAL ASSEMBLYMEN BY A ROLL CALL VOTE, AS WELL AS THE OPPROBRIUM OF A SECRET BALLOT.

7. CONCLUSION: BY SWEARING THE OATH, SENI HAS REACHED THE STAGE OF BEATIFICATION. SAINTHOOD IS AT LEAST A WEEK OFF. ATTAINMENT IS PROBABLE BUT NOT CERTAIN.
KINTNER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, CONSTITUTION, CENTRAL GOVERNMENT, CENTRAL LEGISLATURE
Control Number: n/a
Copy: SINGLE
Draft Date: 27 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BANGKO03330
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750070-0388
From: BANGKOK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975028/aaaaahas.tel
Line Count: 133
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 BANGKOK 3126
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 24 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 JUL 2003 by BoyleJA>; APPROVED <20 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GOVERNMENT IN LIMBO
TAGS: PGOV, PINT, TH, (SENI PRAMOT)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006